

Service Date: July 7, 1994

FINAL ORDER NO. 6318

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
1701 Prospect Avenue, P.O. Box 202601
Helena, Montana 59620-2601

IN THE MATTER OF Schelko, Inc.)	
dba "A" Limo Bus Company, Billings, Montana,)	Docket No. T-94.5.PCN
application for a Montana Intrastate)	Order No. 6318
Certificate of Public Convenience)	
and Necessity.)	

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On , January 21, 1994, Schelko, Inc. dba "A" Limo Bus Company, 339 Wicks Lane, Billings, MT 59105 filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class B - Passengers in charter service between all points and places in Yellowstone, Carbon, Big Horn, Stillwater and Sweet Grass Counties.
LIMITATIONS: 1) Transportation is restricted to thirty (30) passengers or less. 2) Transportation as a jitney or taxi is prohibited. 3) Service is restricted to that provided by reservations made at least one (1) hour in advance.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public February 7, 1994. That notice said in pertinent part:

If no written protests are received by February 27, 1994, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

3. Protests were filed by TBB Limited, Inc. dba Billings Yellow Cab, Billings, Montana; Karst Stage, Inc., Bozeman, Montana; Foosco, Inc. dba City Cab., Billings, Montana; Ron and Debbie Kindsfather dba Limo Scene Limousine Service, Billings, Montana; Ronald K. Crafton dba Crafton Northwest, Billings, Montana; Rimrock Stages, Inc., Dan Kautz dba V.I.P. Limousine, Billings, Montana; and Cody Bus Lines, Inc., Red Lodge, Montana.

4. Notice of Public Hearing was issued May 4, 1994, with hearing scheduled for Thursday, May 26, 1994.

5. Prior to that hearing, Applicant restrictively amended the application and protests were withdrawn. The hearing was vacated.

6. On May 26, 1994, Applicant amended the restrictive amendment. All parties agreed to the amendment. The final amendment is incorporated into the Order granting authority herein.

7. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of

Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue,

Helena, Montana, on the 13th day of June, 1994, there being present a quorum of

Commissioners, there came regularly before the Commission for final action the matters and

things in Docket No. T-94.5.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **Schelko, Inc. dba "A"**

Limo Bus Company, Billings, Montana for a Certificate of Public Convenience and

Necessity IS GRANTED to the following extent:

Class B - Passengers in charter service between all points and places in Yellowstone and Big Horn Counties, Montana, on the one hand, on the other all points and places in Carbon, Stillwater, Sweet Grass, Yellowstone, and Big Horn Counties, Montana.

Limitations: (1) Transportation is restricted to vehicles having a seating capacity of twenty-one (21) passengers or less and no more than twenty-two (22) persons in the vehicle, including the driver. (2) All transportation services must be provided in vehicles capable of transporting more than seven (7) passengers (including the driver). (3) Transportation as a jitney or taxi is prohibited. (4) Service is restricted to that provided by reservations made at least one (1) hour in advance. (5) No transportation under this authority by luxury limousine automobile.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 13th day of June, 1994, by a vote of 5 - 0.

BOB ANDERSON, Chairman

BOB ROWE, Vice Chairman

DAVE FISHER, Commissioner

NANCY McCAFFREE, Commissioner

DANNY OBERG, Commissioner

ATTEST:

Ann Purcell
Acting Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.